

ALCEE L. HASTINGS

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Congress of the United States
House of Representatives
Washington, DC 20515-0923

October 18, 2019

PLEASE RESPOND TO:

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The Honorable Benjamin S. Carson Sr., M.D.
Secretary
United States Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410-1000

Dear Secretary Carson,

I write to express strong opposition to the U.S. Department of Housing and Urban Development's (HUD) proposed changes to the disparate impact standard. Since being instituted in 2013 and subsequently upheld by U.S. Supreme Court precedent, the disparate impact rule has been a critical check against illegal discrimination in the housing market and vital to ensuring that the *Fair Housing Act* is in full force.

As you know, disparate impact liability is used to challenge policies and practices that put up discriminatory barriers. These barriers prevent all Americans from accessing safe, affordable, and sustainable housing options. Furthermore, the current disparate impact rule is critical to ensuring that the goals and objectives of the *Fair Housing Act* are achieved. The *Fair Housing Act* specifies freedom from discrimination for individuals regardless of race, color, national origin, religion, sex, disability or familial status. Importantly, the law not only prohibits intentionally discriminatory policies and practices, but also prohibits ostensibly neutral policies and practices, which, nevertheless, have the discriminatory effect of limiting housing opportunities for a particular group of people.

Indeed, your Department's proposed rule to eliminate the existing disparate impact standard would undermine the ability of victims of systemic discrimination to seek recourse for policies and practices that limit their housing opportunities or put them in danger.

It is clear that fair housing and residential segregation are ongoing challenges across our nation. According to the National Fair Housing Alliance, there are over four million instances of housing discrimination annually, with data indicating that reported housing discrimination may be on the rise.

I respectfully urge you to immediately reverse course on this proposed rule, and instead maintain the current interpretation of the disparate impact rule. There is much work to be done to ensure the full force of the *Fair Housing Act*, and I stand prepared to work with you to pursue policies

that would truly improve the state of fair housing in Florida and across our nation. I thank you for your time and consideration of my request and look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, reading "Alcee L. Hastings". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alcee L. Hastings
Member of Congress